

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JONATHON MORGAN,

1:02-cv-06316-AWI-DLB-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS** (Doc. 68)

vs.

DURAN, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. sec 636(b)(1)(B) and Local Rule 72-302.

On April 12, 2005, the Magistrate Judge filed Findings and Recommendations herein which were served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty (30) days. To date, the parties have not filed objections to the Magistrate Judge's Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a

1 de novo review of this case. Having carefully reviewed the  
2 entire file, the Court finds the Findings and Recommendations to  
3 be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Findings and Recommendations, filed April 12, 2005,  
6 2005, are ADOPTED IN FULL;

7 2. Defendant's motion to dismiss pursuant to section  
8 1915(g), filed January 19, 2005, is DENIED.

9 IT IS SO ORDERED.

10 Dated: August 12, 2005  
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/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE